

Applicants' Specification and response indicate that the use of stretch releasing adhesive is critical or essential to the practice of the invention, but not included in the claims(s) is not enabled by the disclosure.

For example, Applicants indicated that removing the adhesive tape by applying a force to the pull tab is critical to a simultaneous progressive debonding process (e.g., Response, page 4, 4th paragraph). As such, the "stretch releasing adhesive" should be incorporated in all the independent claims.

This rejection is erroneous for a variety of reasons. First, the Examiner's statement that the specification and response indicate that the use of stretch releasing adhesive is critical or essential to the practice of the invention is erroneous.

Use of a stretch releasing adhesive is not critical or essential to the practice of the present invention. The present invention may be used with both stretch releasing and non-stretch releasing adhesive tape constructions as demonstrated, for example, by Figures 4A-4C and the accompanying description, which describes a tape that is not necessarily stretch releasing. In addition, on page 2, lines 23-24, it is explained that the present adhesive article can either be peel removable or stretch releasing. And on page 3, lines 4-6 of the present specification, it is noted that in one embodiment of the invention, the adhesive article comprises a stretch releasing adhesive. Thus, it is clear from the specification that use of a stretch releasing adhesive is not critical or essential to the practice of the present invention but rather, that the present invention may be practiced with adhesives that are both stretch releasing and non-stretch releasing. If this rejection is maintained, the Examiner is requested to identify where the specification allegedly indicates that the use of stretch releasing adhesive is critical or essential to the practice of the present invention.

OK, species?

The Examiner's statement that Applicants' response indicates that the use of stretch releasing adhesive is critical or essential to the practice of the invention is also erroneous. Although it is not clear which response the Examiner is referring to, page 4, paragraph 4 of Applicants' Response dated April 18, 2002, contains the following statement: "As the tape is stretched, a simultaneous progressive debonding of the adhesive tape from the surface of both the object and the wall occurs." It is not seen how such a statement can be construed as indicating that the use of stretch releasing adhesive is critical or essential. More importantly, however, this

statement was made with respect to the prior art, namely, the Bries et al. reference (U.S. 6,001,471), not the present invention.

In summary, Applicants submit that the rejection of claims 13-25 under 35 U.S.C. §112, first paragraph, is unwarranted and requests that the rejection be withdrawn.

Claims 1-25 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicant respectfully disagrees that, at this advanced stage of prosecution, the claims have suddenly become "replete with redundant, vague and indefinite phrases, rendering [them] incomprehensible."

Applicant has, however, amended claims 1, 4, 11, and 24 to address certain of the Examiner's concerns raised under 35 USC §112, second paragraph. For those issues not addressed by way of amendment, Applicant offers the following. With respect to the phrase "reduced adhesive properties" in claims 1, 6, 7, 13, 17, etc, Applicant believes the expression satisfies the requirements of the 35 USC §112, second paragraph. This expression is defined on page 5, lines 12-16 of the specification. Because this expression, when read in light of the specification, reasonably apprises those skilled in the art of the scope of the invention, the language is not indefinite. With respect to the expression "solid" pressure sensitive adhesive in claim 4, an example of such a stretch releasing adhesive tape is provided on page 9, line 16-17 of the specification. Because this expression, according to its ordinary meaning and when read in light of the specification, reasonably apprises those skilled in the art of the scope of the invention, it clearly claims the invention in accordance with 35 USC §112, second paragraph.

§ 103 Rejections

Claims 13 and 15-25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over DE 334 05 98 A either individually, or in view of JP 2001-279198.

Independent claim 13 is directed to a mounting system including a structure and an adhesive article for attaching the structure to a substrate. The adhesive article includes an adhesive layer having first and second adhesive regions wherein the first adhesive region is positioned to attach the top portion of the structure to the substrate and the second adhesive region is positioned to attach the bottom portion of the structure to the substrate, and the second

adhesive region has reduced adhesive properties. Independent claim 17 is directed to an adhesive article for attaching structures to a substrate that includes an adhesive layer with a first adhesive region adapted to attach a top portion of the structure to the substrate and a second adhesive region with reduced adhesive properties for attaching a bottom portion of the structure to the substrate, the adhesive layer being adapted to delaminate from the substrate by reverse peel.

DE 334 05 98 relates to a frameless picture holder comprising a backing wall and a transparent front wall detachably fixed by double-sided adhesive fastening elements. This reference, however, fails to disclose an article having an adhesive layer having first and second adhesive regions wherein the first adhesive region is positioned to attach the top portion of the structure to the substrate and the second adhesive region is positioned to attach the bottom portion of the structure to the substrate, and the second adhesive region has reduced adhesive properties. In addition, there is no teaching or suggestion, express or implied, in the prior art that the reference could or should be modified in a manner required to meet the claims.

Applicants also disagree the "incorporating a region with reduced adhesiveness at the end to be detached first is common and well known" as suggested by the Examiner. Applicant respectfully requests that a reference in support of this assertion be cited. Applicants also note that in accordance with the present invention, the region having reduced adhesive properties is not arranged at the end that detaches first from the substrate during failure mode. Rather, the region of reduced adhesive properties is provided at the bottom of the structure, thereby to reduce the likelihood of damage to the substrate during peel mode failure. As explained on page 1, lines 19-21 of the present application, during peel mode failure there is a likelihood of wall damage, typically at the bottom of the structure. And as shown and described with respect to Figures 1-3, the bottom of the structure is the last region to be detached, not the first.

JP 2001-279198 relates to a pressure sensitive adhesive tape comprising a pressure sensitive adhesive layer formed on one side of a substrate and is wound in a roll, wherein one end portion of the pressure sensitive adhesive layer has a region where the adhesive force is reduced. The reference, however, fails to disclose a mounting system including a structure, and fails to disclose an adhesive article comprising an adhesive layer having first and second adhesive regions, wherein the first adhesive region is positioned to attach the top portion of the structure to the substrate and the second adhesive region is positioned to attach a bottom portion of the

structure to the substrate, and wherein the second adhesive region has reduced adhesive properties. In fact, this reference does not disclose attaching a structure to a substrate, does not address the problems associated with adhesively mounting a load on a substrate, and fails to offer a solution that minimizes damage to a substrate during peel mode failure. In contrast, the reference is directed to solving a completely unrelated problem, namely, providing a pressure sensitive adhesive tape that can be suitably used in an apparatus for automatically applying a pressure sensitive adhesive tape for the sealing operation, whereby the automatic changing from one feed roll to another stock roll can be done without interrupting the operation. In addition, there is no teaching or suggestion, express or implied, in the prior art that the reference could or should be modified in a manner required to meet the claims.

Nor is there any motivation, teaching, or suggestion, express or implied, that the references could or should be combined in a manner required to meet the claims. Moreover, each reference is complete and functional in itself, so there would be no reason to combine or substitute selected aspects of the references.

In view of the above, it is submitted that the application is in condition for allowance. Reconsideration of the application is requested.

Respectfully submitted,

APRIL 21, 2003
Date

By: David B. Patchett
David B. Patchett, Reg. No.: 39,326
Telephone No.: (651) 736-4713

Office of Intellectual Property Counsel
3M Innovative Properties Company
Facsimile No.: 651-736-3833

Version with markings to show amendments made:

1. (Amended) An adhesive article adapted to attach structures to a substrate, said article comprising a stretch releasing adhesive [article] tape having an adhesive layer with a first adhesive region adapted to attach a top portion of the structure to the substrate and a second adhesive region with reduced adhesive properties adapted to attach a bottom portion of the structure to the substrate, the stretch releasing adhesive [article] tape including a pull tab [attached to the stretch releasing adhesive article] adjacent to the second adhesive region.

4. (Amedned) The adhesive article of claim 1 wherein the stretch releasing adhesive tape [comprises one] is selected from the group consisting of a pressure sensitive adhesive tape with an elastic structural member, a pressure sensitive adhesive tape with a highly extensible and substantially inelastic structural member, or a solid pressure sensitive adhesive.

11. (Amended) The adhesive article of claim 1 wherein the second adhesive region is provided with a material selected from the group consisting of release liner material, repositionable pressure sensitive adhesive, polymeric film, paper, powder, scrims, nonwoven fabric, ink, and low adhesion backsize material.

24. (Amended) The adhesive article of claim 17 wherein the second adhesive region is provided with a material selected from the group consisting of release liner material, repositionable pressure sensitive adhesive, polymeric film, paper, powder, scrims, nonwoven fabric, ink, and low adhesion backsize material.